



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,477	03/01/2004	Kenneth N. Harel	CONTC.64501	9529
27629	7590	06/15/2005	EXAMINER	
FULWIDER PATTON LEE & UTECHT, LLP 200 OCEANGATE, SUITE 1550 LONG BEACH, CA 90802			HORTON, YVONNE MICHELE	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,477

Applicant(s)

HAREL, KENNETH N.

Examiner

Yvonne M. Horton

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: there is no description provided for element (28) in the figures. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: Page 10 of the specification needs to be updated to include the patent number for application serial number 09/825,766. Appropriate correction is required:

Claim Objections

Claim 33 is objected to because of the following informalities: Claim 33 recites the limitation "the central corner portion" in line 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

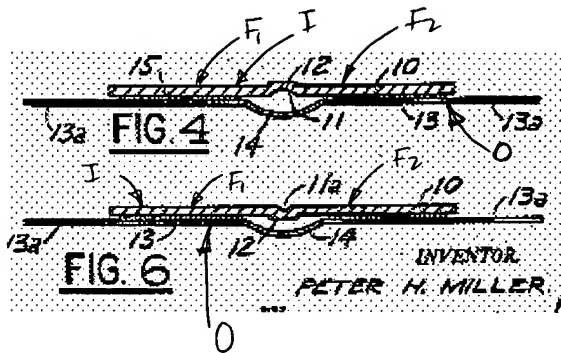
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

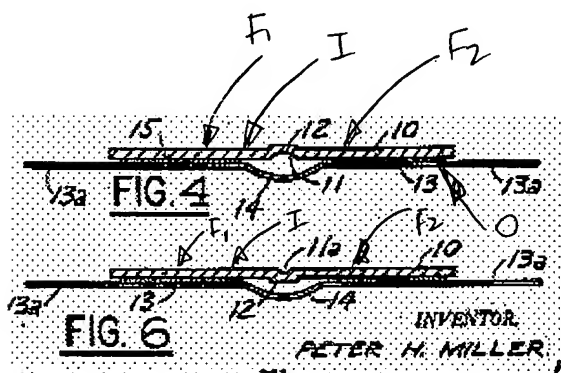
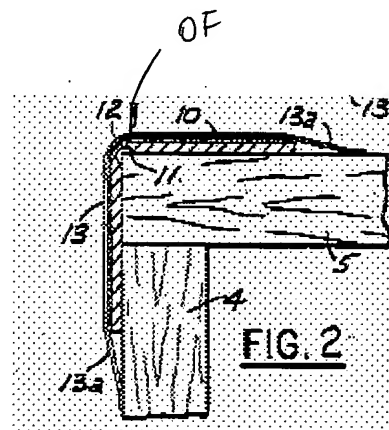
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,090,087 to MILLER in view of US Patent #4,863,774 to TUCKER. MILLER discloses a drywall accessory including an elongate core (10) having inward (I) and outward (O) faces, a corner portion (as at 11 & 12), and at least one flange (F1,F2) projection transversely from the length of the corner portion (as at 11 & 12), see the attachment below. MILLER further includes an elongate paper strip (13) affixed to an



outward face (OF) of the core strip and extending from end-to-end thereof, with a (13a) forming a flap. MILLER discloses the basic claimed accessory except for including uniform depressions on the flap. TUCKER teaches that it is known in the art to provide the flaps (as at 82) of a drywall accessory with uniform depressions (20,22). Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the flaps of the drywall accessory of MILLER with the uniform depressions of TUCKER in order to improve adhesion of the device to the drywall. In reference to claim 32, the depressions (20,22) of TUCKER are uniformly spaced apart across a portion (the entirety) of the flap (as at 82). Regarding claim 33, the drywall accessory is a corner bead wherein the flanges (F1,F2) project transversely from the length of the central/corner portion (as at 11 & 12), and the paper strip (as at 13a) projects transversely from the length of the flanges (F1, F2). In reference to claim 34, the core/corner/central portion is metal, column 2, line 56.

Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3090,087 to MILLER in view of US Patent #4,863,774 to TUCKER. The accessory of MILLER inherently discloses the steps of selecting an elongate core (10) with inward (I) and outward (O) faces, a corner portion (as at 11 & 12), and at least one flange (F1,F2) projection transversely from the length of the corner portion (as at 11 & 12), see the attachment below. MILLER further includes the step of selecting an elongate paper strip (13) and affixing the paper strip (13) to an outward face (OF) of the core strip and extending from end-to-end thereof, and thereby forming a flap (13a).



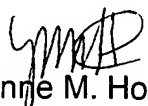
MILLER discloses the basic claimed method except for including uniform depressions on the flap. TUCKER teaches that it is known in the art to form uniform depressions (20,22) in the flaps (as at 82) of a drywall accessory. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form uniform depressions in the flaps of the drywall accessory of MILLER, as taught by TUCKER, in order to improve adhesion of the device to the drywall. Regarding claim 36, MILLER discloses the step of selecting flanges (F1,F2) project transversely from the length of the central/corner portion (as at 11 & 12), and the paper strip (as at 13a) projects transversely from the length of the flanges (F1, F2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yvonne M. Horton
Examiner
Art Unit 3635
6/12/05